

**STETSON SCHOOL**  
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June 1, 2012

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street SW  
Washington, DC 20554

Re **CC Docket No. 02-6**  
Petition for Waiver  
FCC Form 471 No. 875591  
Applicant: Stetson School, BEN 19

Dear Ms. Dortch,

With this letter Stetson School ("Stetson") requests a waiver of the FCC Form 471 filing window deadline for Funding Year 2012 under the schools and libraries universal service support mechanism (E-Rate).

**Background**

Stetson accommodates children and adolescents with sexual behavior problems from grades four through high school. We maintain the belief that every child can succeed, and that every child deserves the opportunity to become a confident, capable adult, and a productive member of the community.

Due to a clerical error, we failed to list one of our funding requests on either of our timely filed Funding Applications. We detected the error several days later, and we then immediately prepared and filed this out-of-window Funding Application.

**Analysis**

Stetson filed its FCC Form 471 on 4/3/2012, within 14 days of the filing window deadline. To the best of our knowledge, our E-rate funding application is otherwise in full compliance with all FCC rules and USAC requirements.

In *Academy for Academic Excellence*<sup>1</sup>, the Wireline Competitions Bureau ("Bureau") found that in cases where a delayed Form 471 filing came as a result of circumstances beyond the control of the applicant, the complete rejection of these applications was not warranted, given that the violation at issue was procedural, not substantive. The

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<sup>1</sup> *Academy for Academic Excellence Order*, 22 FCC Rcd 4747

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Bureau found further that rigid adherence to filing procedures would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

In *Acorn Public Library District*<sup>2</sup>, the Bureau found that a delayed Form 471 filing of not more than 14 days after the filing window deadline was not likely to impede USAC's ability to administer the E-Rate program. The Bureau found that the violation at issue was procedural, not substantive, and the Bureau found further that complete rejection of each of these applications is not warranted. The Bureau also found that (in the absence of any evidence of waste, fraud, or abuse, misuse of funds, or a failure to adhere to core program requirements and) because the FCC Form 471 was filed within 14 days after the filing window deadline, it was in the public interest to waive the FCC Form 471 deadline.

And in *Academy of Math and Science*<sup>3</sup>, the Federal Communications Commission reiterated that filing of Form 471 late but within 14 days of the filing window deadline is a special circumstance which justifies the grant of a waiver.

Finally, we note that denial of our funding request would impose severe hardship upon Stetson, and the effect of such denial would be a profound adverse impact upon the educational services we provide for our students. The consequences of a denial of funding would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

#### **Request for Waiver**

For the reasons stated in this letter, Stetson respectfully requests that the Federal Communications Commission grant a waiver of the FCC Form 471 filing window deadline for Stetson's Funding Year 2012 E-Rate funding application.

STETSON SCHOOL



Zoltan Bardossy  
Director of Information Technology

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<sup>2</sup> *Acorn Public Library District Order*, 23 FCC Rcd 15474

<sup>3</sup> *Academy of Math and Science Order*, 25 FCC Rcd 9256